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5 | Counsel for Defendant MAYO

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR05-00579-CW  
12 Plaintiff, )  
13 v. ) STIPULATION AND ORDER FOR  
14 ) CONTINUANCE OF SENTENCING  
15 MICHAEL MAYO, ) HEARING DATE  
16 Defendant. ) Date: March 12, 2007  
 ) Time: 2: 30 p.m.  
 ) Court: Hon. Claudia Wilken  
 ) U. S. District Court

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17        This matter is currently on calendar for sentencing on March 12, 2007, at 2:30 p.m. Defendant  
18 Michael Mayo and the government, through their respective counsel, jointly stipulate and request  
19 that the matter be continued to the new date of April 9, 2007, at 2:30 p.m., for the following reasons.  
20 The parties have entered into a plea agreement which permits the defendant to seek a limited  
21 downward departure. The primary basis for the departure will be defendant's diminished capacity as  
22 a result of two head injuries he sustained as a child. The original psychiatric evaluation in this case  
23 was prepared one year ago for purposes of bail and did not address the circumstances of the offense.  
24 Defense counsel has requested an updated evaluation which would address Mr. Mayo's current level  
25 of functioning and also address the circumstances of the offense; however, due to scheduling  
26 conflicts, the psychiatrist will not have that report completed in time for the current sentencing date.

1 The Probation Office and parties have agreed that, under these circumstances, it is appropriate  
2 to continue the sentencing date briefly so that an updated psychiatric report will be available to the  
3 Court. The parties are informed that the date of April 2, 2007, is not available for sentencing;  
4 therefore, the parties stipulate and agree that the sentencing date should be continued until April 9,  
5 2007. The Probation Officer has been consulted and will be available on the new date. Mr. Mayo is  
6 out of custody.

7 || SO STIPULATED.

8 || Dated: March 1, 2007

/S/

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HILARY A. FOX  
Attorney for Defendant MAYO

## 11 || SO STIPULATED.

12 | Dated: March 2, 2007

/S/

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**KIRSTIN AULT**  
Assistant United States Attorney

I hereby attest that I have on file all holograph signatures indicated by a "conformed" signature ("S") within this efiled document.

## ORDER

19 Based on the reasons provided in the stipulation of the parties above, and for good cause  
20 appearing, IT IS HEREBY ORDERED THAT the sentencing hearing that is currently scheduled in  
21 this matter for March 12, 2007, shall be continued to April 9, 2007, at 2:30 p.m.

## 22 || IT IS SO ORDERED.

March 5  
Dated: \_\_\_\_\_, 2007

Claudia Wilken  
CLAUDIA WILKEN  
United States District Court